

PUBLIC CHAPTER NO. 1065

SENATE BILL NO. 2705

By Southerland, Roller, Kilby, Tracy, Ford, Johnson

Substituted for: House Bill No. 2763

By Fitzhugh, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 34 and Title 62, Chapter 5, Part 4, relative to arrangements for future funeral services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-406, is amended by adding the following sentence at the end of subsection (a):

The commissioner may disapprove a previously approved pre-need funeral contract if the pre-need funeral contract violates the provisions of this section upon giving notice and an opportunity for a hearing to the pre-need seller.

SECTION 2. Tennessee Code Annotated, Section 62-5-409(b)(1), is amended by deleting the last sentence in its entirety and by substituting instead the following language:

Notwithstanding any other provision of this part, if the insurance company issuing the policy does not offer a funeral trust, or only offers a funeral trust for an additional charge, then the beneficiary may irrevocably assign the policy or policy benefits to a funeral establishment; provided, however, that the assignment shall not limit, or be construed as limiting, the ability of the pre-need funeral contract beneficiary or such beneficiary's lawful representative from selecting a different funeral establishment to provide merchandise and services. If a subsequent establishment is designated, then the establishment to which the policy or policy benefits are currently assigned shall, upon written notification, promptly execute any documents necessary to transfer the assignment.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 13, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2008



PHIL BREDESEN, GOVERNOR